

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

JILL R. GIBBONEY,

Plaintiff,

v.

UNIVERSITY OF CINCINNATI

Defendant.

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NO.: _____

DEFENDANT’S NOTICE OF REMOVAL

Defendant University of Cincinnati (“Defendant”) files this Notice of Removal of the civil action filed against it by Jill R. Gibboney (“Plaintiff”) to the United States District Court for the Southern District of Ohio, Western Division at Cincinnati, pursuant to the provisions of 28 U.S.C. §§ 1441, and 1446, *et seq.*, on the basis of the following:

1. On February 16, 2021, Plaintiff filed her Complaint in the Court of Common Pleas for Hamilton County, Ohio, styled *Jill R. Gibboney v. University of Cincinnati*, Action No. A 2100578 (“State Court Action”). A copy of the Complaint, summons, docket, and docket entries are attached as Exhibit A. These documents constitute all “process, pleadings and orders” that have been filed in this case to date in compliance with 28 U.S.C. § 1446(a).

2. On February 24, 2021, Plaintiff served a copy of her Complaint on Defendant. Accordingly, removal is timely under 28 U.S.C. § 1446(b).

3. Plaintiff’s Complaint alleges an action under the Americans with Disabilities Act (“ADA”), 42 U.S.C. §12101 (*See* Ex. A). This action is therefore a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331 and is thus an action which may be removed under 28 U.S.C. § 1446(b)

4. This Court has jurisdiction over all state law claims alleged in the Complaint pursuant to 28 U.S.C. §1367.

5. This Notice of Removal is filed subject to and with full reservation of rights. This includes but is not limited to venue, improper service of process, jurisdiction, pleading standards, timeliness, and Eleventh Amendment immunity. No admission of law or liability is intended by this Notice of Removal, and all defenses, motions, and pleas are expressly reserved.

6. Defendant has filed no pleadings, motions, or other papers in the Hamilton County Court of Common Pleas, other than giving notice of this removal to the State Court. A copy of this Notice is attached to Exhibit A.

WHEREFORE, Defendant hereby gives notice of this removal of the State Court Action to this Court for further adjudication.

Date: March 24, 2021

Respectfully submitted,

By: /s/ M. Scott McIntyre
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon counsel of record via electronic mail this 24th day of March 2021.

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